THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9153 of 2007

Date: 27.04.2007

Between:

Sanapala Venkata Suryanarayana Murthy and others.

....Petitioners

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9153 of 2007

O R D E R:

Petitioners state that the land admeasuring Ac.5.40 cents in Survey Nos.295 and 298/P part of Adivivaram Village, Visakhapatnam (Rural) Mandal, Visakhapatnam District, is their ancestral property and that they are in possession and enjoyment of the same. According to them, a document, in relation to the said land, was presented to the respondent for registration. The grievance of the petitioners is that the respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Numbers. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of

documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the document presented by the petitioners and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 27.04.2007
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77